

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge R. Gary Klausner and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

**CV08- 584 RGK (AGR~~x~~)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA**  
**CIVIL COVER SHEET**

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> BELINDA POLONSKY DE LITCHI	<b>DEFENDANTS</b> MICHAEL CHERTOFF, SECRETARY, UNITED STATES DEPARTMENT OF HOMELAND SECURITY; MICHAEL B. MUKASEY, ATTORNEY GENERAL OF THE UNITED STATES;
<b>(b) County of Residence of First Listed Plaintiff</b> (Except in U.S. Plaintiff Cases): Mexico City, Mexico	<b>County of Residence of First Listed Defendant</b> (In U.S. Plaintiff Cases Only): Washington, DC
<b>(c) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Asherson Klein & Darbinian, Neville Asherson, Esq. SBN 73745; Anna Darbinian, Esq. SBN 200828 Leon Hazany, Esq. SBN 229063; Anish Vashistha, Esq., SBN 244276 9150 Wilshire Blvd., #210, Beverly Hills, CA 90212 Ph: 310-247-6070 Fax: 310-278-8454	<b>Attorneys</b> (If Known)  United States Attorneys Office Room 7516, Federal Building 300 North Los Angeles Street Los Angeles, CA 90012

<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)  <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:40%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:30%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td align="center"><input type="checkbox"/> 1</td> <td align="center"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td align="center"><input type="checkbox"/> 4</td> <td align="center"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td align="center"><input type="checkbox"/> 2</td> <td align="center"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td align="center"><input type="checkbox"/> 5</td> <td align="center"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td align="center"><input type="checkbox"/> 3</td> <td align="center"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td align="center"><input type="checkbox"/> 6</td> <td align="center"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

**IV. ORIGIN** (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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**V. REQUESTED IN COMPLAINT: JURY DEMAND:** ☐ Yes    ☒ No (Check "Yes" only if demanded in complaint.)

**CLASS ACTION under F.R.C.P. 23:** ☐ Yes    ☒ No    **MONEY DEMANDED IN COMPLAINT: \$ Attorneys Fees**

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)  
 Freedom of Information Act (Federal Question)

**VII. NATURE OF SUIT** (Place an X in one box only.)

<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395if) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed? ☒ No    ☐ Yes

If yes, list case number(s): \_\_\_\_\_

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT CALIFORNIA  
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;  
☐ B. Involve the same or substantially the same parties or property;  
☐ C. Involve the same patent, trademark or copyright;  
☐ D. Call for determination of the same or substantially identical questions of law, or  
☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Mexico City, Mexico

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

☒ Check here if the U.S. government, its agencies or employees is a named defendant.

Michael Chertoff, Secretary, United States Department of Homeland Security; Michael B. Mukasey, Attorney General of the United States; Emilio T. Gonzalez, Director, United States Citizenship and Immigration Services; W. Ralph Basham, Commissioner, United States Customs and Border Protection; Magda S. Ortiz, Director, Freedom of Information Act/Privacy Act Branch, United States Citizenship and Immigration Services; T. Diane Cejka, National Records Center Director, United States Citizenship and Immigration Services; Mark Hanson, Acting Director, Freedom of Information Act Branch, United States Customs and Border Protection; Shari Gandy, Chief, Freedom of Information Act Appeals, Review and Enforcement Branch.

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

Los Angeles County

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_

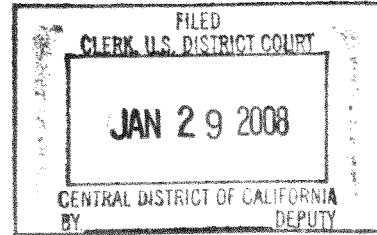
Date 01/28/2008

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

1 Neville Asherson, (SBN 73745)  
2 Anna Darbinian, (SBN 200828)  
3 Leon Hazany, (SBN 229063)  
4 Anish Vashistha, (SBN 244276)  
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9 Facsimile: (310) 278-8454  
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11 Attorneys for Plaintiff,  
12 BELINDA POLONSKY DE LITCHI

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA

15 BELINDA POLONSKY DE LITCHI

16 Plaintiff,

17 vs.

18 MICHAEL CHERTOFF, SECRETARY,  
19 UNITED STATES DEPARTMENT OF  
20 HOMELAND SECURITY; MICHAEL B.  
21 MUKASEY, ATTORNEY GENERAL OF  
22 THE UNITED STATES; EMILIO T.  
23 GONZALEZ, DIRECTOR, UNITED  
24 STATES CITIZENSHIP AND  
25 IMMIGRATION SERVICES; W. RALPH  
26 BASHAM, COMMISSIONER, UNITED  
27 STATES CUSTOMS AND BORDER  
28 PROTECTION; MAGDA S. ORTIZ,  
DIRECTOR, FREEDOM OF  
INFORMATION ACT/PRIVACY ACT  
BRANCH, UNITED STATES  
CITIZENSHIP AND IMMIGRATION  
SERVICES; T. DIANE CEJKA,  
NATIONAL RECORDS CENTER  
DIRECTOR, UNITED STATES  
CITIZENSHIP AND IMMIGRATION

CV NO. 08-00584-AGR (ACRx)  
)  
)  
) COMPLAINT FOR RELIEF AND  
) EXHIBITS A-W IN SUPPORT  
) THERETO  
)



1 SERVICES; MARK HANSON, ACTING )  
 2 DIRECTOR, FREEDOM OF )  
 3 INFORMATION ACT DIVISION, )  
 4 UNITED STATES CUSTOMS AND )  
 5 BORDER PROTECTION; SHARI )  
 6 SUZUKI, CHIEF, FREEDOM OF )  
 7 INFORMATION ACT APPEALS, )  
 8 POLICY AND LITIGATION BRANCH, )  
 9 UNITED STATES CUSTOMS AND )  
 10 BORDER PROTECTION; AND UNITED )  
 11 STATES DEPARTMENT OF )  
 12 HOMELAND SECURITY, )

13 Defendants. )  
 14 )

15 Plaintiff Belinda Polonsky de Litchi alleges as follows:

### 16 **JURISDICTION AND VENUE**

17 1. Plaintiff Belinda Polonsky de Litchi has been denied her right to a complete  
 18 copy of her administrative file from Defendants for over eight months. In this complaint,  
 19 Miss Polonsky challenges Defendants' willful refusal to provide her a copy of her  
 20 immigration file on statutory and regulatory grounds. This Court has subject matter  
 21 jurisdiction over this matter pursuant to 5 U.S.C. § 552(a)(4)(B) (Freedom of  
 22 Information Act), 28 U.S.C. § 1361 (Mandamus Act), and 28 U.S.C. § 1651 (All Writs  
 23 Act). This Court also has jurisdiction to hear Miss Polonsky statutory and regulatory  
 24 claims under 28 U.S.C. § 1331, which confers jurisdiction to consider federal questions.  
 25 See Walters v. Reno, 145 F.3d 1032, 1052 (9th Cir. 1998).

26 2. This Court may grant relief under 28 U.S.C. § 1331 (federal question), 28  
 27 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), the  
 28 Administrative Procedures Act, 8 U.S.C. § 1447(b), 8 U.S.C. § 1447, and Federal Rules  
 of Civil Procedure 57 and 65.



1 outside contact continues for sometimes several hours until each time, Defendants finally  
2 inform her that although she was referred to secondary inspection, no reasonable reason  
3 can be found to show why she should not be admitted to the United States or why she  
4 was referred to secondary inspection at all. She has been further informed by Defendants  
5 during several of her attempted and ultimately successful admissions to the United States  
6 that Defendants' computer system informs Defendants that Miss Polonsky must be  
7 referred to secondary inspection but that no reasonable reason can be ascertained by  
8 Defendants for that instruction given by Defendants' computer system. Such an incident  
9 occurs every time Miss Polonsky attempts to be admitted to the United States with no  
10 foreseeable end and with no indication that such an incident will not occur the next time  
11 Miss Polonsky attempts to be admitted to the United States.

12         7. Despite Miss Polonsky's attempt to understand why she is being referred  
13 to secondary inspection during each of her attempted admissions to the United States,  
14 Defendants refuse to provide her with a complete copy of her administrative files. Miss  
15 Polonsky urgently needs access to her complete administrative files so that she can  
16 adequately address the reason why Defendants refer her to secondary inspection each  
17 time she attempts to be admitted to the United States. She also needs access to her  
18 complete administrative files because her valid visa will be expiring in September 2008  
19 and Miss Polonsky wishes to ensure that once her visa is renewed, she will not be placed  
20 in similar incidents each time she attempts to be admitted to the United States. Despite  
21 these important and time-sensitive reasons, Defendants have not complied Miss  
22 Polonsky's Requests for more than eight months.

23  
24         8. Defendants still continue to refuse to provide Miss Polonsky with a full and  
25 complete copy of her administrative files despite her more than eight-month-old  
26 Freedom of Information Act Requests. Defendants' failure to comply with the Freedom  
27 of Information Act Requests is in violation of the statute. Defendants are required to  
28 comply with a ten-day time requirement set forth in 5 U.S.C. §552(a)(6)(A), (B) and (C).

1 Here Defendants have taken more than eight months for the Requests submitted to  
2 United States Customs and Border Protection and United States Citizenship and  
3 Immigration Services. Miss Polonsky acted diligently to obtain the records, but despite  
4 this fact, Defendants will not comply with the law.

5  
6 **PARTIES**

7 9. Plaintiff Belinda Polonsky de Litchi ("Plaintiff" or "Miss Polonsky") is a  
8 national and citizen of Mexico and a holder of a valid Class B1/B2 visa to the United  
9 States. She submitted Freedom of Information Act Requests to Defendants to obtain a  
10 complete copy of her administrative files both to understand why she is being referred to  
11 secondary inspection for sometimes several hours each time she attempts to be admitted  
12 to the United States on her valid Class B1/B2 visa and to ensure that such incidents do  
13 not occur once she renews her Class B1/B2 visa upon its expiration in September 2008.  
14 Miss Polonsky is filing this complaint to have enforced her rights to a complete copy of  
15 her administrative files.

16 10. Defendant Michael Chertoff is the Secretary of Homeland Security and  
17 heads the United States Department of Homeland Security, the arm of the United States  
18 Government responsible for enforcement of the Immigration Laws. Mr. Chertoff is the  
19 ultimate legal custodian of Miss Polonsky's administrative files. Mr. Chertoff is sued in  
20 his official capacity.

21  
22 11. Defendant Michael B. Mukasey is the Attorney General of the United States  
23 and the head of the United States Department of Justice. Mr. Mukasey shares  
24 responsibility for implementation and enforcement of the Immigration Laws along with  
25 Defendant Chertoff. Mr. Mukasey is a legal custodian of Miss Polonsky's administrative  
26 files. Mr. Mukasey is sued in his official capacity.



1           12. Defendant Emilio T. Gonzales is the Director of the United States  
2           Citizenship and Immigration Services, an arm of the United States Department of  
3           Homeland Security. Mr. Gonzales is responsible for the National Records Center. Mr.  
4           Gonzales is a legal custodian of Miss Polonsky's administrative files and he is sued in  
5           his official capacity.

6           13. Defendant W. Ralph Basham is the Commissioner of United States Customs  
7           and Border Protection, an arm of the Department of Homeland Security. Mr. Basham is  
8           responsible for the Freedom of Information Act Division of United States Customs and  
9           Border Protection. He is a legal custodian of Miss Polonsky's administrative files and is  
10          sued in his official capacity.

11          14. Defendant Magda S. Ortiz is the Director of the Freedom of Information  
12          Act/ Privacy Act Branch of the United States Citizenship and Immigration Services. She  
13          is responsible for all Freedom of Information Act requests submitted to the United States  
14          Citizenship and Immigration Services. She is the legal custodian of Miss Polonsky's  
15          administrative file and she is sued in her official capacity.

16          15. Defendant T. Diane Cejka is the National Record Center Director of the  
17          United States Citizenship and Immigration Services. She is responsible for the Freedom  
18          of Information Act requests submitted to the National Records Center. She is the legal  
19          custodian of Miss Polonsky's administrative file and is sued in her official capacity.

20          16. Defendant Mark Hanson is the Acting Director of the Freedom of  
21          Information Act Divison of United States Customs and Border Protection. He is  
22          responsible for the Freedom of Information Act requests submitted to United States  
23          Customs and Border Protection. He is the legal custodian of Miss Polonsky's  
24          administrative file and is sued in his official capacity.

1        17. Defendant Shari Suzuki Chief of the Freedom of Information Act Appeals,  
2 Policy and Litigation Branch of United States Customs and Border Protection. She is  
3 responsible for the Freedom of Information Act appeals submitted to United States  
4 Customs and Border Protection. She is the legal custodian of Miss Polonsky's  
5 administrative file and is sued in her official capacity.

6        18. Defendant Department of Homeland Security is an agency of the United  
7 States and has possession of the documents that Plaintiff seeks.

8        19. On information and belief, all Defendants have played a role in the illegal  
9 denial of Plaintiff's rights.

#### 11                                    **FACTS AND PROCEDURAL HISTORY**

12        20. This lawsuit arises from the improper withholding of agency records that  
13 relate specifically to Plaintiff and that have been requested by Plaintiff pursuant to the  
14 Freedom of Information Act ("FOIA"). The records sought are vital to Plaintiff's ability  
15 to ascertain why she is referred to secondary inspection each time she attempts to be  
16 admitted to the United States on her valid Class B1/B2 visa and to ensure that upon  
17 renewal of her visa, she is not subject to the same incidents where she is referred to  
18 secondary inspection without any valid basis.

19        21. On March 22, 2007, in compliance with Defendants' FOIA Request  
20 procedures in place at the time, Miss Polonsky submitted by United States Certified Mail  
21 two FOIA Requests with Defendants regarding her administrative files. One of the  
22 FOIA Requests was submitted to United States Customs and Border Protection ("CBP"),  
23 and that Request was received by Defendants on May 29, 2007. That FOIA Request and  
24 proof of its receipt is attached as Exhibit C.  
25  
26  
27  
28

1        22. The other FOIA Request was submitted to United States Citizenship and  
2 Immigration Services ("USCIS"), and that Request was received by Defendants on May  
3 29, 2007. That FOIA Request and proof of its receipt is attached as Exhibit D.

4        23. Defendants initially responded to Miss Polonsky's USCIS FOIA Request by  
5 submitting a letter dated June 5, 2007 and postmarked June 7, 2007 stating that the  
6 Request was received, requesting more information to assist Defendants in its search for  
7 relevant records, and providing control number "NRC2007040500" to reference the  
8 Request. That letter, its enclosure, and a copy of the envelope in which it was sent are  
9 attached as Exhibit E.

10        24. Defendant's also initially responded to Miss Polonsky's CBP FOIA Request  
11 by submitting a letter dated and postmarked June 11, 2007 stating that the Request was  
12 received, requesting more information, and providing control number  
13 "NRC2007040512" to reference the Request. The letter, its enclosure, and a copy of the  
14 envelope in which it was sent are attached as Exhibit F.

15        25. Defendants also submitted a letter dated and postmarked June 11, 2007  
16 regarding Miss Polonsky's CBP FOIA Request stating that the Request will not be  
17 complied with in an expedited manner. The letter and a copy of the envelope in which it  
18 was sent are attached as Exhibit G.

19        26. On June 15, 2007, Miss Polonsky responded via facsimile and United States  
20 Certified Mail to Defendants' request for more information regarding Miss Polonsky's  
21 FOIA Request filed with USCIS. That response complied with the request for more  
22 information with the most up-to-date information available at the time. The response  
23 and proof of its receipt are attached as Exhibit H.

24        27. Also on June 15, 2007, Miss Polonsky responded via facsimile and United  
25 States Certified Mail to Defendants' request for more information regarding Miss  
26 Polonsky's FOIA Request filed with CBP. That response complied with the request for  
27  
28

1 more information with the most up-to-date information available at the time. The  
2 response and proof of its receipt are attached as Exhibit I.

3 28. In a letter dated June 19, 2007 and postmarked June 20, 2007, Defendants  
4 responded to Miss Polonsky's USCIS FOIA Request stating that no records responsive  
5 to her Request could be located and that she may appeal that decision if she wished. The  
6 letter and a copy of the envelope in which it was sent are attached as Exhibit J.

7 29. In a letter dated June 20, 2007 and postmarked June 21, 2007, Defendants  
8 responded to Miss Polonsky's CBP FOIA Request stating that no records responsive to  
9 her Request could be located and she may appeal that decision if she wished. The letter  
10 and a copy of the envelope in which it was sent are attached as Exhibit K.

11 30. On August 17, 2007, Miss Polonsky appealed the no-records decision  
12 pertaining to her CBP FOIA Request. The appeal complied with Defendants' appeal  
13 procedures and referenced the control number issued to Miss Polonsky's CBP FOIA  
14 Request. The appeal elaborated on what records were being sought, clarifying that a  
15 complete copy of Miss Polonsky's administrative file was being requested. That appeal  
16 was received by Defendants on August 21, 2007. The appeal and proof of its receipt are  
17 attached as Exhibit L.

18 31. On August 17, 2007, Miss Polonsky appealed the no-records decision  
19 pertaining to her USCIS FOIA Request. The appeal complied with Defendants' appeal  
20 procedures and referenced the control number issued to Miss Polonsky's USCIS FOIA  
21 Request. The appeal elaborated on what records were being sought, clarifying that a  
22 complete copy of Miss Polonsky's administrative file was being requested. That appeal  
23 was received by Defendants on August 21, 2007. The appeal and proof of its receipt are  
24 attached as Exhibit M.

25 32. In a letter dated August 27, 2007 and postmarked September 17, 2007,  
26 Defendants replied to Miss Polonsky's appeal of the no-records decision regarding her  
27  
28



1 FOIA Request filed with USCIS. The reply stated that the Request was being remanded  
2 for a further search and issued a reference number: "APP2007000816." The reply letter  
3 and a copy of the envelope in which it was sent are attached as Exhibit N.

4  
5 33. On October 12, 2007, Miss Polonsky sent via facsimile to Defendants an  
6 amendment/ supplement to her remanded USCIS FOIA Request as well as a status-  
7 update request. The amendment/supplement and status-update request provided the  
8 applicable control number and prior appeal number, attached several documents to assist  
9 Defendants in searching for the requested records, and included as part of its Request all  
10 relevant documents that were once in the possession of the Legacy Immigration and  
11 Naturalization Service. The facsimile was in compliance with the procedures pertaining  
12 to USCIS FOIA requests. The FOIA Request amendment/supplement and status-update  
13 request, with pages separating the attachments added in, as well as proof of its receipt are  
14 attached as Exhibit A.

15 34. On October 12, 2007, Miss Polonsky sent a new FOIA Request to  
16 Defendants regarding her administrative file in the possession of CBP. The new FOIA  
17 Request was in compliance with the recently updated procedures for filing FOIA  
18 Requests with CBP. This new FOIA Request was submitted to elucidate that Miss  
19 Polonsky was seeking records from CBP separately from the records she was seeking  
20 from USCIS. The new CBP FOIA Request was received by CBP on October 15, 2007.  
21 The October 12, 2007 CBP FOIA Request, with pages separating the attachments added  
22 in, as well as proof of its receipt are attached as Exhibit B.

23 35. On November 7, 2007, Miss Polonsky submitted a FOIA Request status-  
24 update request regarding the new FOIA Request she filed with CBP. The status-update  
25 request was received by Defendants on November 13, 2007, referenced the control  
26 number from the original CBP FOIA Request, and explained how the control number  
27 was for an older FOIA Request. The status-update request also requested that a receipt  
28

1 be issued for the new CBP FOIA Request. The status-update request, which included the  
2 October 12, 2007 CBP FOIA Request as an attachment and with pages separating the  
3 attachment and sub-attachments added in, and proof of its receipt are attached as Exhibit  
4 O.

5 36. Also on November 7, 2007, in treating the lack of any response by  
6 Defendants to her October 12, 2007 new CBP FOIA Request as a denial of that Request,  
7 Miss Polonsky submitted a FOIA Request Appeal to CBP. The appeal included the  
8 October 12, 2007 new CBP FOIA Request and the November 7, 2007 status-update  
9 request. The appeal was received by Defendants on November 17, 2007. The appeal,  
10 with pages separating the attachments and sub-attachments added in, and proof of its  
11 receipt are attached as Exhibit P.

12 37. Also on November 7, 2007, Miss Polonsky submitted via facsimile a  
13 follow-up inquiry regarding the October 12, 2007 amendment/supplement and status-  
14 update request for the remanded USCIS FOIA Request. The follow-up inquiry, with  
15 pages separating the attachment and sub-attachments added in, and proof of its receipt by  
16 Defendants are attached as Exhibit Q.

17 38. Also on November 7, 2007, Miss Polonsky treated the lack of any response  
18 by Defendants to her October 12, 2007 USCIS FOIA amendment/supplement as a denial  
19 of that Request amendment/supplement and filed an appeal of that effective denial. Miss  
20 Polonsky attached all relevant prior correspondence and other documents to assist  
21 Defendants in adjudicating the appeal. The appeal referenced the original USCIS FOIA  
22 Request control number and prior appeal number. The appeal, with pages inserted to  
23 separate the attachments and sub-attachments, and proof of its November 13, 2007  
24 receipt by Defendants are attached as Exhibit R.

25 39. In a letter dated November 14, 2007 and postmarked November 16, 2007,  
26 Defendants appeared to have responded to Miss Polonsky's November 7, 2007 appeal by  
27  
28

1 stating that no records responsive to her Request were located. The November 14, 2007  
2 letter provides a different reference number: "PPO2007000127," states that Defendants  
3 would find it preferable if the appeals procedure is not followed immediately in the event  
4 of another FOIA request by Miss Polonsky to USCIS so that Defendants have adequate  
5 time to conduct such a new search, and that the no-records decision could be reviewed  
6 by a Federal Court. The November 14, 2007 letter and a copy of the envelope in which it  
7 was sent are attached as Exhibit S.

8  
9 40. In a letter dated November 20, 2007 and postmarked November 27, 2007,  
10 Defendants restated that they could not locate any records responsive to Miss Polonsky's  
11 USCIS FOIA Request. The November 20, 2007 letter provided the same reference  
12 number as the November 14, 2007 letter: "PPO2007000127," referenced the November  
13 14, 2007 letter, and advised Miss Polonsky to seek relevant records from CBP if she  
14 entered the United States as a visitor. The November 20, 2007 letter however did not  
15 reference the approved waiver listed on Miss Polonsky's valid Class B1/B2 visa, a  
16 photocopy of which was submitted to Defendants in prior correspondence regarding  
17 Miss Polonsky's USCIS FOIA Request. The November 20, 2007 letter and a copy of the  
18 envelope in which it was sent are attached as Exhibit T.

19 41. In a letter dated November 27, 2007 and postmarked November 30, 2007,  
20 Defendants responded to Miss Polonsky's October 12, 2007 new FOIA Request filed  
21 with CBP. The November 27, 2007 letter provided a reference number: "2008F0792"  
22 and stated that nineteen pages matched the October 12, 2007 new CBP FOIA Request  
23 and all nineteen pages were enclosed with the November 27, 2007 letter. However,  
24 significant portions of the response were blacked out. Also, none of the documents  
25 pertained to any admissions to the United States made by Miss Polonsky prior to the  
26 latest issuance of her valid Class B1/B2 visa, which was last issued in September 2003.  
27 The November 27, 2007 letter, its enclosures, and a copy of the envelope in which it was  
28 sent are attached as Exhibit U.



1        42. On December 18, 2007, Miss Polonsky appealed the decision by Defendants  
2 regarding her October 12, 2007 new CBP FOIA Request. The appeal included the  
3 November 27, 2007 letter and the nineteen-page response Defendants provided and  
4 listed the reference number that was listed on Defendant's November 27, 2007 letter. To  
5 this day, Miss Polonsky has not received even a notice of receipt of that appeal despite a  
6 United States Postal Service return receipt being received by Miss Polonsky. The  
7 appeal, its enclosures, separated by a page that is added in, and proof of its receipt by  
8 Defendants on December 26, 2007 are attached as Exhibit V.

9        43. On January 22, 2008, Miss Polonsky received a notice of receipt from  
10 Defendants of her appeal dated and postmarked January 16, 2008 regarding her new  
11 CBP FOIA Request. The notice of receipt states to whom the inquiry was assigned. The  
12 notice of receipt and a copy of the envelope in which it was sent are attached as Exhibit  
13 W.  
14

15        44. As of today, Defendants have not complied with Miss Polonsky's FOIA  
16 Requests. More than thirty days have elapsed since Miss Polonsky properly filed all  
17 timely appeals to the responses, or lack thereof, by Defendants regarding her properly  
18 filed FOIA Requests. More than eight months have passed since Miss Polonsky filed her  
19 original FOIA Requests.

20        45. Plaintiff is the requestor of the records which Defendants are now  
21 unlawfully withholding and has requested these documents to ascertain the reasoning  
22 behind her continued mistreatment at the Port of Entry when she seeks admission to the  
23 United States and to prepare to obtain a new Class B1/B2 visa without such a waiver  
24 upon expiration of her current valid Class B1/B2 visa. Plaintiff has already been injured  
25 by Defendants' delay and refusal in producing the records because she is halted every  
26 she presents herself for inspection upon arriving in the United States and is referred to  
27 time-consuming secondary inspection where she is not provided any valid basis as to  
28



1 why she continues to be referred to secondary inspection and forced to wait sometimes  
2 several hours each time simply to be told that there was no valid reason to do so.

3 46. Miss Polonsky is in fact and in law eligible to be admitted to the United  
4 States and eligible to receive a valid Class B1/B2 visa to enter the United States.  
5 Defendants' continued unlawful refusal to provide her the requested documents therefore  
6 further injures her because she is unable to ascertain the basis for why she has been  
7 mistreated.

8  
9 46. Miss Polonsky is in fact and is in law a person of good moral character.

10 47. Defendants have acted unreasonably and unlawfully in refusing to comply  
11 with Miss Polonsky's FOIA Requests to USCIS and CBP.

12  
13 48. Defendants' actions violate the due process of law.

14 49. Defendants' actions are arbitrary, capricious, and unlawful.

15  
16 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17 50. Plaintiff has exhausted her administrative remedies in this matter. The  
18 Freedom of Information Act statute provides that "[a]ny person making a request to any  
19 agency for records . . . shall be deemed to have exhausted his administrative remedies  
20 with respect to such request if the agency fails to comply with the applicable time limit  
21 provisions." 5 U.S.C. § 552(a)(6)(C)(i); see also Pollack v. Dept. of Justice, 49 F.3d 115  
22 (4th Cir. 1995), cert. denied 516 U.S. 843. In this case, Defendants have failed to  
23 respond completely to Plaintiff's FOIA Requests within 20 days as required by 5 U.S.C.  
24 § 552(a)(6)(A)(i). Defendants have also failed to respond completely to Plaintiff's FOIA  
25 Request appeals. Any responses made by Defendants to Plaintiff's FOIA Request  
26 appeals states that review of that response may be sought in Federal Court. Plaintiff has  
27  
28

1 made several attempts to inform Defendants of the necessity of the records requested,  
2 and she is left with no option other than to seek redress in Federal Court.

3  
4 **FIRST CAUSE OF ACTION**

5 **Violation of the Freedom of Information Act**

6 51. Plaintiff realleges and incorporates by reference each and every allegation  
7 contained in the preceding paragraphs as if set forth fully herein.

8 52. Defendants' continued refusal to comply with Plaintiff's Freedom of  
9 Information Act Requests violates the Freedom of Information Act.

10 **SECOND CAUSE OF ACTION**

11 **Violation of Immigration and Nationality Act and Regulations**

12 53. Plaintiff realleges and incorporates by reference each and every allegation  
13 contained in the preceding paragraphs as if set forth fully herein.

14 54. Defendants' continued refusal to comply with Plaintiff's Freedom of  
15 Information Act Requests violates the Immigration and Nationality Act, insofar as the  
16 government bears the burden to show that the delay in this matter and the withholding of  
17 the records is justified.

18 **THIRD CAUSE OF ACTION**

19 **Claim for Injunctive Relief**

20 55. Plaintiff realleges and incorporates by reference each and every allegation  
21 contained in the preceding paragraphs as if set forth fully herein.

22 56. Plaintiff has a legal right to obtain complete responses to her FOIA  
23 Requests that she first made through counsel on May 22, 2007 and  
24 amended/supplemented, followed up on, and appealed. There exists no legal basis for  
25 Defendants' failure to respond and make available the requested records. Defendants'  
26 failure to make properly available the records sought by Plaintiff's Requests violates 5  
27 U.S.C. §§ 552(a)(3)(A) and (a)(6)(A)(i). Plaintiff has already suffered great harm,  
28

1 prejudice, and injury by Defendants' failure. Unless relief is promptly and permanently  
2 granted by this Court, Plaintiff will suffer great and irreparable damage and injury  
3 because she will continue to be referred to secondary inspection unreasonably upon her  
4 arrival in the United States and will not be able to prepare to apply for a new Class  
5 B1/B2 visa upon expiry of her current valid Class B1/B2 visa.

6  
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff Belinda Polonsky de Litchi respectfully requests that the  
9 Court grant the following relief:

- 10 1) Assume jurisdiction of this matter;  
11 2) Enter judgment in favor of Miss Polonsky and order the immediate  
12 release of Plaintiff's entire and complete administrative files;  
13 3) Declare that Defendants' withholding of the records violates the  
14 Freedom of Information Act and the Immigration and Nationality  
15 Act;  
16 4) Declare that Plaintiff is in fact and in law eligible to obtain a Class  
17 B1/B2 visa;  
18 5) Grant Miss Polonsky's reasonable attorneys' fees, costs, and other  
19 disbursements pursuant to the Equal Access to Justice Act, 28 U.S.C.  
20 2412; and  
21 6) Grant such other relief as the Court deems just and equitable.

22  
23 DATED: January 28, 2008

24 ASHERSON, KLEIN & DARBINIAN  
25 NEVILLE ASHERSON, ESQ.  
26 ANNA DARBINIAN, ESQ.  
27 LEON HAZANY, ESQ.  
28 ANISH VASHISTHA, ESQ.

Attorneys for Plaintiff

**PROOF OF SERVICE**

I, the undersigned, say: my business address is 1301 W. 2nd St., Los Angeles, CA 90025. I am over the age of eighteen years, not a party to the above-entitled action and at the time of service was employed by Now Legal Services in Los Angeles County, California.

On January 29, 2008, I served the within document(s) described as: SUMMONS; COMPLAINT FOR RELIEF AND EXHIBITS A-W IN SUPPORT THERETO; and NOTICE OF INTERESTED PARTIES on the interested party(ies) in this action as follows:

I personally delivered a true and correct copy of each document identified herein to the addressee(s) noted below:

**United States Attorneys Office  
300 N. Los Angeles Street, 7th Floor  
Los Angeles, CA 90012**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED on January 29, 2008, at Los Angeles, California.

\_\_\_\_\_  
, Declarant



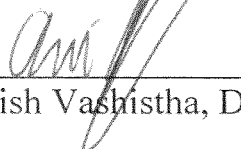
PROOF OF SERVICE BY UNITED STATES MAIL

I, the undersigned, say: my business address is 9150 Wilshire Blvd., Suite 210, Beverly Hills, California, 90212; I am over the age of eighteen years; I am not a party to the above-entitled action; and at the time of service I was employed by Asherson, Klein & Darbinian.

On January 29, 2008, I served the within document(s) described as: "SUMMONS; COMPLAINT FOR RELIEF AND EXHIBITS A-W IN SUPPORT THERETO; and NOTICE OF INTERESTED PARTIES" on the interested party(ies) in this action as follows:

I enclosed a true and correct copy of the documents described herein in a sealed envelope, with postage thereon fully prepaid, and I deposited said envelope in the United States Mail, in Los Angeles County, California and I caused each such envelope, with a certificate of mailing and return receipt requested and first-class postage thereon to be deposited in a recognized place of deposit of the United States Mail for collection and mailing to the office of the addressees shown on the attached "Service List" on January 29, 2008 following ordinary business practices.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was EXECUTED on January 29, 2008 at Beverly Hills, California.

  
\_\_\_\_\_  
Anish Vashistha, Declarant

**SERVICE LIST**

**(ATTACHMENT TO - PROOF OF SERVICE BY UNITED STATES MAIL)**

The United States Attorney's Office  
Civil Division  
Room 7516, Federal Building  
300 N. Los Angeles Street  
Los Angeles, CA 90012

Michael Chertoff  
Secretary, Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, DC 20528

Emilio T. Gonzalez  
Director, U.S.C.I.S.  
20 Massachusetts Ave, NW, Rm. 402  
Washington, DC 20536

W. Ralph Basham, Commissioner  
United States Customs and Border Protection  
1300 Pennsylvania Ave., NW  
Washington, DC 20229

Magda S. Ortiz, Director, Freedom of Information Act/ Privacy Act Branch  
United States Citizenship and Immigration Services  
111 Massachusetts Ave., N.W., 4th Floor, ULLICO Building  
Washington, DC 20529

T. Diane Cejka, National Records Center Director  
United States Citizenship and Immigration Services  
150 Space Center Loop, Suite 300  
Lee's Summit, MO 64064-8010

Mark Hanson, Acting Director, Freedom of Information Act Division  
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1300 Pennsylvania Ave., NW  
Washington, DC 20229

1 Shari Suzuki, Chief, FOIA Appeals, Policy and Litigation Branch  
2 United States Customs and Border Protection, Office of International Trade  
3 1300 Pennsylvania Ave., NW  
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Neville Asherson, (SBN 73745)  
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Attorneys for Plaintiff,  
BELINDA POLONSKY DE LITCHI

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BELINDA POLONSKY DE LITCHI	)	CV NO. 08-00584 RGK (AGR <sub>x</sub> )
	)	
Plaintiff,	)	NOTICE OF ONLY MANUAL FILING
	)	OF EXHIBITS A-W BECAUSE OF
vs.	)	INABILITY TO FILE
	)	ELECTRONICALLY DUE TO SIZE
MICHAEL CHERTOFF, SECRETARY,	)	
UNITED STATES DEPARTMENT OF	)	
HOMELAND SECURITY; MICHAEL B.	)	
MUKASEY, ATTORNEY GENERAL OF	)	
THE UNITED STATES; EMILIO T.	)	
GONZALEZ, DIRECTOR, UNITED	)	
STATES CITIZENSHIP AND	)	
IMMIGRATION SERVICES; W. RALPH	)	
BASHAM, COMMISSIONER, UNITED	)	
STATES CUSTOMS AND BORDER	)	
PROTECTION; MAGDA S. ORTIZ,	)	
DIRECTOR, FREEDOM OF	)	
INFORMATION ACT/PRIVACY ACT	)	
BRANCH, UNITED STATES	)	
CITIZENSHIP AND IMMIGRATION	)	
SERVICES; T. DIANE CEJKA,	)	
NATIONAL RECORDS CENTER	)	
DIRECTOR, UNITED STATES	)	
CITIZENSHIP AND IMMIGRATION	)	



SERVICES; MARK HANSON, ACTING )  
DIRECTOR, FREEDOM OF )  
INFORMATION ACT DIVISION, )  
UNITED STATES CUSTOMS AND )  
BORDER PROTECTION; SHARI )  
SUZUKI, CHIEF, FREEDOM OF )  
INFORMATION ACT APPEALS, )  
POLICY AND LITIGATION BRANCH, )  
UNITED STATES CUSTOMS AND )  
BORDER PROTECTION; AND UNITED )  
STATES DEPARTMENT OF )  
HOMELAND SECURITY, )

Defendants. )

**NOTICE OF ONLY MANUAL FILING OF EXHIBITS A-W BECAUSE OF  
INABILITY TO FILE ELECTRONICALLY DUE TO SIZE**

Exhibits A-W were filed manually with the Court on January 29, 2008. Because  
their size exceeds emailing capacity, they will not be filed electronically with the Court.

DATED: January 30, 2008

ASHERSON, KLEIN & DARBINIAN  
NEVILLE ASHERSON, ESQ.  
ANNA DARBINIAN, ESQ.  
LEON HAZANY, ESQ.  
ANISH VASHISTHA, ESQ.

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Phone: (310) 247-6070/ Facsimile: (310) 278-8454

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

BELINDA POLONSKY DE LITCHI,

PLAINTIFF(S)

v.

MICHAEL CHERTOFF, SECRETARY OF THE  
UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY, et al. (See Attached)

DEFENDANT(S).

CASE NUMBER

CV08-00584 RGK (AGRx)

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
Neville Asherson, Esq. \_\_\_\_\_, whose address is:

Asherson, Klein & Darbinian  
9150 Wilshire Blvd., Suite 210  
Beverly Hills, CA 90212  
Phone: (310) 247-6070  
Facsimile: (310) 278-8454

an answer to the ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim  
which is herewith served upon you within 60 days after service of this Summons upon you, exclusive  
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief  
demanded in the complaint.

Clerk, U.S. District Court

Dated: JAN 29 2008

By: NATALIE LONGORM  
Deputy Clerk

(Seal of the Court)

ATTACHMENT TO SUMMONS

BELINDA POLONSKY DE LITCHI,

Plaintiff,

vs.

MICHAEL CHERTOFF, SECRETARY, UNITED STATES DEPARTMENT OF HOMELAND SECURITY; MICHAEL B. MUKASEY, ATTORNEY GENERAL OF THE UNITED STATES; EMILIO T. GONZALEZ, DIRECTOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES; W. RALPH BASHAM, COMMISSIONER, UNITED STATES CUSTOMS AND BORDER PROTECTION; MAGDA S. ORTIZ, DIRECTOR, FREEDOM OF INFORMATION ACT/PRIVACY ACT BRANCH, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES; T. DIANE CEJKA, NATIONAL RECORDS CENTER DIRECTOR, UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES; MARK HANSON, ACTING DIRECTOR, FREEDOM OF INFORMATION ACT DIVISION, UNITED STATES CUSTOMS AND BORDER PROTECTION; SHARI SUZUKI, CHIEF, FREEDOM OF INFORMATION ACT APPEALS, POLICY AND LITIGATION BRANCH, UNITED STATES CUSTOMS AND BORDER PROTECTION; AND UNITED STATES DEPARTMENT OF HOMELAND SECURITY,

Defendants.